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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

THE BURLINGTON INSURANCE  
COMPANY,

Plaintiff,

v.

MINADORA HOLDINGS, LLC; et al.,

Defendant.

AND RELATED THIRD-PARTY  
CROSS-ACTIONS

Case No. 2:13-cv-05349-JAK-E  
(Consolidated with  
Case No. 2:14-cv-01231-JAK-E)

**JUDGMENT**

**JS-6**

1 On September 30, 2015, judgment was entered in favor of Defendants  
2 Endurance American Specialty Insurance Company (“Endurance”), The Burlington  
3 Insurance Company (“Burlington”), and Murchison & Cumming, LLP, and against  
4 Plaintiffs Marv W. Durment, West Coast Storm, Inc., Minadora Holdings, LLC,  
5 and Jarvis Enterprises, Inc. dba Orange Precision Metal Fabrication (collectively,  
6 “Plaintiffs”), on all causes of action asserted in the First Amended Complaint.  
7 (Case No. 2:14-cv-01231, Dkt. 156.) On May 9, 2017, the Ninth Circuit Court of  
8 Appeals reversed in part the judgment on the first and second causes of action  
9 against Endurance and the first, second, and fourth causes of action against  
10 Burlington. (*Id.* at Dkt. 159.)

11 On May 7, 2018, Burlington filed a motion for summary judgment, or in the  
12 alternative for partial summary judgment against Plaintiffs (Case No. 2:13-cv-  
13 05349, Dkt. 111), and Plaintiffs filed motions for partial summary judgment against  
14 Burlington (*Id.* at Dkt. 109) and Endurance (*Id.* at Dkt. 116). On May 10, 2018,  
15 Endurance filed a motion for summary judgment, or in the alternative for partial  
16 summary judgment against Plaintiffs. (*Id.* at Dkt. 118). All four motions came for  
17 hearing on June 25, 2018.

18 On July 31, 2018, Plaintiffs’ motions for partial summary judgment were  
19 denied, Endurance’s motion for summary judgment was granted as to all causes of  
20 action asserted against Endurance, and Burlington’s motion for summary judgment  
21 was granted as to Plaintiffs’ first cause of action and denied as to Plaintiffs’ second  
22 cause of action. (*Id.* at Dkt. 160.)

23 On August 10, 2018, Burlington moved for reconsideration of the Court’s  
24 denial of its motion for summary judgment as to the second cause of action. (*Id.* at  
25 Dkt. 162.) On February 12, 2019, the Court granted Burlington’s motion for  
26 reconsideration, and granted Burlington’s motion for summary judgment as to  
27 Plaintiffs’ second cause of action. (*Id.* at Dkt. 167.)

28 On February 19, 2019, the parties filed a stipulation for dismissal as to

1 Plaintiffs' fourth cause of action against Burlington, and as to Burlington's  
2 Complaint against Plaintiffs. (*Id.* at Dkt. 168.)

3 Judgment is now entered in favor of Endurance and against Plaintiffs as to  
4 each and every cause of action asserted against Endurance in Plaintiffs' First  
5 Amended Complaint.

6 Judgment is now entered in favor of Burlington and against Plaintiffs as to  
7 each and every cause of action asserted against Burlington in Plaintiffs' First  
8 Amended Complaint.

9 Endurance and Burlington shall recover their allowable costs in an amount to  
10 be determined based on an approval of the appropriate application.

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12 IT IS SO ORDERED.

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14 Dated: February 22, 2019



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15 JOHN A. KRONSTADT  
16 UNITED STATES DISTRICT JUDGE  
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